

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

CRISTAN FERNANDO ALCANTARA	§	
MASARIESGO	§	
Plaintiff	§	CIVIL ACTION NO. 4:22-cv-2022
	§	
VS.	§	JURY TRIAL DEMANDED
	§	
S&D TRANSIT, INC. AND	§	
JOHNNY LEE ROACH	§	
Defendants	§	

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**DEFENDANTS S&D TRANSIT, INC. AND  
JOHNNY ROACH'S NOTICE OF REMOVAL**

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Defendants, S&D TRANSIT, INC. and JOHNNY ROACH file this Notice of Removal under 28 U.S.C. § 1446(a).

**Introduction**

1. Plaintiff is Cristan Fernando Alcantara Masariesgo ("Plaintiff").
2. Defendants are S&D Transit, Inc. and Johnny Roach ("Defendants").
3. On May 20, 2022, Plaintiff filed suit against the Defendants in the 284<sup>th</sup> Judicial District Court of Montgomery County, Texas.
4. Defendants S&D Transit, Inc. and Johnny Roach were served on May 27, 2022. Defendants filed their Original Answer on June 17, 2022 and requested a jury trial.
5. Plaintiff alleges state law negligence causes of action against Defendant Johnny Roach.

6. Plaintiff alleges state law negligent hiring, training, supervision, and retention causes of action and vicarious liability claims under the doctrine of *respondeat superior* against Defendant S&D Transit, Inc.

7. Defendants timely file this notice of removal within 30 days of actual receipt of Plaintiff's Original Petition.

8. In accordance with the Federal Rules of Civil Procedure and Local Rules for the Southern District of Texas, the following documents are being filed contemporaneously with this Notice of Removal as Exhibits "A" and "B:"

- (a) Executed service of process on S&D Transit, Inc. and Johnny Roach;
- (b) Copies of all state court pleadings;
- (c) Copies of all state court orders;
- (d) State Court docket sheet;
- (e) Index of matters being filed; and
- (f) List of all counsel, with addresses and telephone numbers.

#### **Basis of Removal**

9. Removal is proper because there is complete diversity between the parties. 28 U.S.C. §1332(a). Plaintiff is a citizen and resident of Montgomery County, Texas. *See* Pl.'s Orig. Pet. ¶ II.

10. Defendant Johnny Roach is a citizen and resident of Texarkana, Miller County, Arkansas. *Id.* Defendant S&D Transit, Inc. is incorporated in Arkansas with its headquarters and principal place of business located in Ashdown, Little River County, Arkansas. *Id.*

11. Plaintiff's Original Petition, filed on May 20, 2020, alleges Plaintiff is seeking monetary relief between \$250,000 and \$1,000,000 in damages.
12. Copies of all pleadings, process, orders and other filings in the state-court suit are attached to this notice as required by 28 U.S.C. §1446(a).
13. Venue is proper in this district under 28 U.S.C. §1441(a) because the state court where the suit has been pending is located in this district.
14. Defendants will promptly file a copy of this Notice of Removal with the clerk of the state court where the suit is pending.

### Conclusion

15. Complete diversity exists between Plaintiff and Defendants under 28 U.S.C. §1332(a). The amount in controversy exceeds \$75,000.00. For these reasons, Defendants S&D Transit, Inc. and Johnny Roach request the Court remove the suit to the United States District Court for the Southern District of Texas – Houston Division.

Respectfully Submitted,

DONATO, BROWN, POOL & MOEHLMANN

By: /s/ Andrew J. Pratka

Andrew J. Pratka

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**ATTORNEY FOR DEFENDANTS**

**S&D TRANSIT, INC. AND JOHNNY ROACH**

**CERTIFICATE OF SERVICE**

I hereby certify that on June 20, 2022, a copy of the foregoing document was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to all counsel of record by operation of the Court's electronic system, electronic mail, and facsimile transmission.

Leena Joseph SBN: 24084374 Law Offices of Domingo Garcia, LLP 12929 Gulf Freeway Houston, Texas 77034 <i>Attorneys for Plaintiff</i>	(713) 432-7785 – Facsimile ljoseph@millerweisbrod.com
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/s/ Andrew J. Pratka

Andrew J. Pratka

**EXHIBIT “A”**

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Plaintiff	§	CIVIL ACTION NO. _____
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	§	
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Defendants	§	

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**INDEX OF MATTERS BEING FILED**

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1. Plaintiff's Original Petition;
2. Request for Service – S&D Transit, Inc.;
3. Request for Service – Johnny Roach;
4. Executed Service of Process on Johnny Roach;
5. Executed Service of Process on S&D Transit, Inc.;
6. Defendants S&D Transit, Inc. and Johnny Roach's Original Answer;
7. Defendants S&D Transit, Inc. and Johnny Roach's Objection to Plaintiff's Rule 193.7 Notice;
8. Defendants S&D Transit, Inc. and Johnny Roach's Jury Demand;
9. Docket Sheet from Montgomery County Court; and
10. Docket Control Order

For Items 1-10 See Exhibit “B.”

11. A list of all counsel of record, including addresses, telephone numbers, and parties represented:

**Attorney for Plaintiff Cristan Fernando Alcantara Masariesgo:**

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